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FINANCE DEPARTMENT

NOTIFICATION

The 19th May, 2025

No.15316—FIN-CS3-PEN-0008/2024/F.— In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Odisha is pleased to make the following rules, further to amend the Odisha Civil Services (Pension) Rules, 1992, namely:-

1. (1) These rules may be called the Odisha Civil Services (Pension) Amendment Rules, 2025.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. In the Odisha Civil Services (Pension) Rules, 1992 (hereinafter referred to as the said rules), in rule 5, in sub-rule (2), the following proviso shall be inserted, namely:-

“Provided that in a case where the Government servant immediately before his retirement or death was absent from duty on leave or otherwise or under suspension, the day of retirement or death shall be a part of such leave or absence or suspension.”

3. In the said rules, in rule 7, in sub-rule (2), after clause (e) the following clause shall be inserted, namely:-

"(f) the provisions of the sub-rule shall not be applicable where allegations of misconduct are under investigation against a Government Servant or where departmental or judicial proceedings are contemplated against a Government Servant but have not actually been instituted or deemed to have been instituted in accordance with explanation given in this sub-rule till the date of retirement of the Government Servant. Regular pension and gratuity in such cases shall be paid to the Government Servant on his retirement."

4. In the said rules, in rule 34, for sub-rule (4), the following sub-rule shall be substituted, namely:-

"(4) The appointing authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely :-

- (i) that the resignation was tendered by the Government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation ;
- (ii) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper ;
- (iii) that the period of absence from duty between the date on which the resignation became effective and the date on which the person applies for permission to withdraw the resignation is not more than 90 days ; and
- (iv) that the post, which was vacated by the Government servant on the acceptance of his resignation or any other comparable post, is available.

5. (1). In the said rules, in rule 49, in sub-rule (1), for clause (i), the following clause shall be substituted, namely:-

“(i) Provided that the amount of retirement gratuity so payable shall be in no case exceed Fifteen Lakh Rupees for the Government servants retiring on or before dated 31st December, 2023 and Twenty Lakh Rupees for Government servant retiring on or after dated 1st January, 2024.”

(ii) for clause (ii), the following clause shall be substituted, namely:-

“(ii) Provided further that the maximum limit of retirement gratuity in respect of the Officers belonging to State Judicial Service and retiring on or after dated 1st January, 2024 shall be Twenty-Five Lakh Rupees.”

(2) in sub- rule (2), in clause (iv), under the heading Rate of Gratuity, the following clause shall be substituted, namely:-

“half of emoluments for every completed six month period of qualifying service subject to a maximum of 33 times of emoluments provided that the amount of death gratuity under this rule shall in no case exceed “Twenty Lakh Rupees” for the Government Servants and “Twenty-Five Lakh Rupees” for the State Judicial officers in the event of death on or after dated 1st January, 2024.”

6. (1) In the said rules, in rule 56, in sub-rule (5), -

(i) for clause (a), the following clause shall be substituted, namely:-

“(a) in the case of widow or widower (including a post-retiral spouse and judicial separated wife and husband), up to the date of death or re-marriage whichever is earlier and the eligibility of widow or widower for family pension shall not be affected by the amount of her/ his income from other sources”;

(ii) in clause (c), (a) for sub-clause (iii), the following sub-clause shall be substituted, namely:-

“(iii) if the disability in child as defined under clause (b) of sub-rule (1) of rule 2 existed before the death of the Government servant or pensioner, family pension shall become payable in favour of the disabled child for life.

(b) for sub-clause (iv), the following sub-clause shall be substituted, namely:-

“(iv) before allowing the family pension for life to any such son or daughter, the appointing authority shall satisfy that the disability is of such a nature so as to prevent him from earning his livelihood, then the same shall be evidenced by a certificate obtained from,-

(A) an authority competent to issue disability certificate in accordance with the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Rights of Persons with Disabilities Rules, 2017 and the guidelines and notifications issued by the Central Government or a State Government or a Union territory administration; and

(B) the appointing authority shall refer to the Appellate Medical Board for further assessment of the disability setting as far as possible, the exact mental or physical condition of the child;

(c) in the explanation (a), the expression “or his/her nominee” shall be deleted :-

(d) for explanation (b), the following explanation shall be substituted, namely:-

“(b) marriage by a child who is suffering from a disability referred to in this sub-rule shall not render him ineligible for family pension subject to the condition that in case of a daughter, her husband's annual income from all sources does not exceed Rs.5,00,000/-”,

(e) for explanation (d), the following explanation shall be substituted, namely:-

“(d) Family pension payable under this sub-rule shall be stopped unless the guardian furnishes a certificate to the Treasury or Bank as the case may be, every year that he or she has not started earning his/ her livelihood; and

(f) after explanation (e), the following explanation shall be inserted, namely:-

“(e) the disability should have been existed before the death of the Government servant or pensioner i.e. the disabled child must be dependent on the Government servant or pensioner at the time of his death”;

(ii) in clause (e), after sub-clause (iii), the following sub-clause shall be inserted, namely:-

“(iv) in the case of widowed daughter, death of her husband and in the case of divorced daughter, decree of divorce took place during the life time of the Government servant or pensioner. In such case a widowed daughter or divorced daughter shall be

eligible for family pension under this sub-rule if she was dependent on the Government servant or pensioner”;

(iii) for clause (f), the following clause shall be substituted, namely:-

“ (f) (i) the family pension shall be paid to a son or daughter who is suffering from any disorder or disability of mind including mentally retarded (intellectual disability), through the guardian as if he or she were a minor expect in the case of the physically disabled son or daughter who has attained the age of majority ;

(ii) before allowing the family pension for life to any such son or daughter the sanctioning authority shall ensure that the disability or disorder handicap is of such a nature so as to prevent him or her from earning his or her livelihood, basing on the certificate, in the manner set out in sub clause (iv) of clause (c) of sub rule (5) of this Rule as far as possible, the exact mental or physical condition of the child indicting the extent of disability suffered which is not less than 40% ;

(iii) the person receiving the family pension as guardian of such son or daughter shall produce at every three years a certificate in the manner set out in sub clause (iv) of clause (c) of sub-rule (5) of this Rule to the effect that he or she (the disabled family pensioner) continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled; and

(iv) family pension payable under this sub-rule shall be stopped as and when (i) he has started earning his livelihood more than ten thousand Rupees per month (ii) if the family pensioner is cured of such disability in case of disabled and major as the case may be”.

(2). in sub-rule (9), :-

(i) in sub- rule (9), after the first paragraph, the following shall be inserted, namely:-

“ (i) in the case of a mentally retarded son or daughter, the family pension shall be payable to a person nominated by the Government servant or the pensioner, as the case may be, and in case no such nomination has been furnished to the Head of Office by such Government servant or pensioner during his lifetime, later on and the Guardianship Certificate issued under section 14 of the National Trust Act,1999 (44 of 1999), by a local level Committee, shall also be accepted for nomination or appointment of guardian for grant of family pension in respect of the person suffering from Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities as indicated in the said Act;

NOTE – the Guardianship Certificate appearing in this rule above shall be issued the District Collector of the concerned District in which the claimants are residing. The Collector can revoke or alter the certificate so issue either *suo moto* or on application by the rightful

aggrieved claimant (s) on being satisfied that grounds exists for such revocation or alteration of the certificate.” ;

(3). for sub-rule (9A), the following sub-rule shall be substituted, namely:-

“(9A) (a) if deceased Government servant or pensioner has left behind neither a widow/widower nor an eligible child or if the widow/ widower and all children cease to be eligible for family pension, the family pension shall be granted for life time to the father or in the absence of father to the mother also to adoptive parents in the case of individuals whose personal law permits adoption, if the parents were dependent on the Government servant or pensioner immediately before his death.

Explanation :- Parents shall be deemed to be dependent on the Government servant if their combined income is less than Rupees Ten Thousand per month. It shall be duty of parents to furnish a certificate to the Pension Disbursing Authority once a year that they have not started earning their livelihood and the family pension payable to parents shall be stopped if they start earning their livelihood.

(b) If the father or mother is eligible to draw more than one family pension at the rate mentioned in sub-rule (4), the total amount of family pension shall be limited to maximum of 50% of the highest pay in the Government per mensem;

(c) If one of the family pensions ceases to be payable at the rate mentioned in sub-rule (4) and in lieu thereof, the family pension at the rate mentioned in sub-rule (2) becomes payable the amount of the total family pension shall be limited to maximum of 50% of the highest pay in the Government per mensem; and

(d) If both the family pensions are payable at the rates mentioned in Sub-rule (2), the amount of the total family pension shall be limited to maximum of 30% of the highest pay in the Government per mensem.”;

(4). in sub- rule (10), for the clauses (a), (b) and (c), the following clauses shall respectively be substituted, namely:-

“(a) If the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in sub-rule (4) the amount of both the family pensions shall be limited to maximum of 50% of the highest pay in the Government per mensem;

(b) If one of the family pensions ceases to be payable at the rate mentioned in sub-rule (4) and lieu thereof the family pension at the rate mentioned in sub-rule (2) becomes payable, the amount of both the family pensions shall also be limited to maximum of 50% of the highest pay in the Government per mensem; and

(c) If both the family pensions are payable at the rates mentioned in sub-rule (2), the amount of two family pensions shall be limited to maximum of 30% of the highest pay in

the Government per mensem.”

(5) in sub-rule (15), after clause (c), the following Note shall be inserted, namely:-

“NOTE - (A) The Government servant shall submit the up to date details of the family including dependent disabled child in Form-D duly supported by a certificate in the manner set out in sub-clause (iv) of clause (c) of sub-rule (5) of this Rule again along with the pension papers, before retirement from Government service.

(B) Where a Government servant marries or remarries or a child is born to the Government servant after retirement, he shall give an intimation to this effect to the Head of Office in Form-D along with a copy of the marriage certificate or birth certificate as the case may be, from an authority competent to issue such certificate.

(C) The claim of a member of the family of the deceased Government servant shall not be rejected on the ground that the details of such member of the family are not available in Form-D or office records, if the Head of Office / PSA is otherwise satisfied about the eligibility of the member of the family for grant of family pension under these rules upon thorough verification as per the legal heir certificate and other available documents.”; and

(6) in sub- rule (16), after the first proviso the following proviso shall be added, namely:-

“Provided further that nothing contained in this rule shall apply to a re-employed Government servant who had retired from civil service or military service if, on such re-employment, he is not eligible for a pension or service gratuity under these Rules. A person who is getting military family pension is also entitled for civil family pension w.e.f. dated 24th September, 2012 with associated dearness relief/ temporary increase”.

7. In the said rules, in rule 89, in sub- rule (c), in clause (ii), after the first proviso, the following proviso shall be added, namely:-

“ Provided further that nothing contained in sub- rule (a) or sub- rule (b) or sub-rule (c) shall be applicable in the case of a family pensioner who is employed under State Government and is eligible to draw a family pension from the Government in respect of a deceased member of his/her family and such family pensioner shall continue to be eligible to draw Dearness relief/ temporary increase on family pension during the period of such employment where the State Government employee’s own pay and DA are no way related to the family pension he/she receives.”

8. In the said rules, in rule 115, the following proviso shall be inserted namely:-

“Provided that Chapter-I to Chapter-VIII of the said Rules which provide definition, general conditions for pension, family pension, gratuity etc. and detail procedure for sanction of the same shall prevail over the provisions contained in Chapter- IX to Chapter XIII in case there is any anomaly or provisions, forms and application in contrary.”

9. In the said rules, for the O.C.S (Pension) Form – ‘D’, the following form shall be substituted.

By Order of the Governor
SASWAT MISHRA
Principal Secretary to Government

“O.C.S (PENSION) Form-D
[See Rule 56 (15)]

(Information on Details of Family)

1. Name of the Government Servant/ Pensioner:-
2. Designation:-
3. Date of Birth as per Service Book:-
4. Date of Appointment :-
5. Nationality:-
6. Details of the members of my family as on _____
 (dd/mm/yyyy)

Sl. No.	Name of the members of family	Date of Birth(dd/mm/yyyy)	Relationship with the Government Servant	Marital status	Remarks if any	Dated signature of Head of Office
1.						
2.						
3.						
4.						
5.						

I hereby undertake to keep the above particulars up-to-date by notifying to the Head of office any addition or alterations in the family.

Signature of the Government Servant

Place :-

Mobile No-

Date:-

- a) Family for this purpose means family as defined in clause (b) of sub-rule (17) of Rule 56 of the Odisha Civil Services (Pension) Rules, 1992.
- b) Wife and Husband shall include respectively judicially separated wife and husband.
- c) The retiring Government servant should submit the details of family afresh along with supportive documents while submitting OCS (Pension) Form-E.

- d) The retired Government servant/ pensioner shall intimate the details of change in family structure after retirement.
- e) Copies of certificate to establish the date of birth of the members of family must be attached.”

By Order of the Governor
SASWAT MISHRA
Principal Secretary to Government